527 CMR 37.00: PESTICIDE STORAGE

Section

37.01: Scope

(1) 527 CMR 37.00 shall apply to both inside and outside storage of all forms of pesticides in portable containers other than fixed installation on transportation equipment.

(2) Exceptions: Storage in dwellings or private garages of pesticides registered by the Environmental Protection Agency and the State Department of Environmental Protection for use around the home.

37.02: Definitions

(1) For the purpose of 527 CMR 37.00 the following terms shall have the meanings respectively assigned to them:

Combustible Liquid: Any liquid having a flash point at or above 100°F. shall be known as a class II or III liquid. Combustible liquids shall be divided into the following classifications:

Class IA. Liquids having a flash point below 73°F and having a boiling point below 100°F.

Class IB. Liquids having flash point below 73°F and having a boiling point at or above 100°F.

Class IC. Liquids having a flash point at or above 73°F and below 100°F (see "Combustible Liquids" for Class II or III liquids.)

Class II. Liquids having a flash point at or above 100°F and below 140°F Class IIIA. Liquids having a flash point at or above 140°F and below 200°F.

Class IIIB. Liquids having a flash point at or above 200°F.

Flammable Compressed Gas: Either a mixture of 13% or less (by volume) with air forms a flammable mixture, or the flammable range with air is under 12% regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure.

Flammable Liquid: Any liquid having a flash point below 100°F and having a vapor pressure not exceeding 40 psi at 100°F Flammable liquids shall be known as Class I liquids and be divided into the following classifications:

Highly Toxic Material: Any substance which falls within any of the following categories:

(a) Oral toxicity: Produces death within 14 days in half or more than half of a group of ten

or more laboratory white rats, each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered.
(b) Toxicity or Inhalation: Produces death within 14 days in half or more than half of a group of ten or more laboratory white rats, each weighing between 200 and 300 grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust.
(c) Toxicity by skin absorption: Produces death within 14 days in half or more than half of a group of ten or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less. Mixtures of these materials with ordinary materials, such as water, does not necessarily warrant a classification of highly toxic. While this system is basically simple in application, any hazard evaluation which is required for the precise categorization of this type of material shall be performed by experienced, technically competent persons.

Oxidizing Material: Substance such as chlorates, permanganates, peroxides, or nitrates, that yield oxygen readily to stimulate combustion.

Pesticide: Any material used to control, destroy or mitigate pests and including but not limited to the following: acaricides, insecticides, nematocides, fungicides, herbicides, algaecides and rodenticides.

Toxicity: That property of a material which enables it to injure the physiological mechanism of an organism by chemical means.

37.03: General Requirements

(1) Pesticides that are flammable compressed gases or flammable or combustible liquids shall be stored in accordance with the provisions of 527 CMR 37.00.

(2) Reserved

(3) Pesticides shall not be stored in the same area as herbicides.

(4) Pesticide storage shall not be stored in the same area with ammonium nitrate fertilizer.

(5) Pesticide storage shall be restricted to a first-story room or area which has direct access to the outside. Pesticides shall not be stored in basements. Storage areas shall be designed in a manner so as to prevent unauthorized entry.

(6) Pesticides in containers which could be damaged by moisture of water shall be stored off the floor.

(7) Damaged or leaking containers of pesticides or materials contaminated by pesticides shall be immediately separated, disposed of or decontaminated in accordance with required regulations.

(8) Pesticide storage shall be constructed in such a manner so that run-off from fire streams will not contaminate streams, ponds, ground water, crop lands or buildings.

Storage areas: areas used for the storage or mixing of pesticides shall be constructed in accordance with 780 CMR (the State Building Code) and the BOCA Mechanical Codes listed in 527 CMR 12.00 Appendix A.

(9) Toxicity data: Material Safety Data Sheets (MSDS) for each toxic pesticide shall be available at each storage location.

(10) Placarding: Pesticide storage buildings, storage rooms and areas shall be identified by prominent and legible signs according to applicable sections NFPA 43D 1986.

(11) Display: Drums and packages shall be stacked in a safe manner and shall not be stored near any food materials.

(12) Compressed gas pesticides: Compressed gas pesticides shall be stored away from heat such as steam pipes and direct sunlight.

(a) Securing of cylinders: All compressed gas cylinders in service or storage shall be protected to insure against being knocked over.

(b) Separation: Compressed gas pesticide containers shall be separated from other compressed gases.

(c) Safety caps: Containers shall be tightly closed and provide with a safety cap when not in use, whether empty or full.

REGULATORY AUTHORITY

527 CMR 37.00: M.G.L. c. 148, § 10.